IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22818 of 1999

Between:

1 Smt. Gangamma, w/o. Late Mahadeavappa Kampli,
R/o. PO Bevoor, Tal:& Dist. Bagalkot, Karnataka State.
2 Kum.Jyothi,M.Kampli, D/o. late Mahadevappa Kampli,
R/o. PO:Bevoor Tal:& Dist. Bagalkot, Karnataka State.

.... PETITIONERS

AND

1 The Commandant, CISF Unit, SCCL,
Bellampally, Adilabad Dist.
2 The I.G.(SWS), CISF SWS Head Quarters,
R.C.F.L.Complex, Chambur,
Mumbai.
3 D.I.G.(S.Zone) CISF(S.Zone) Head Quarters III Floor,
'D' Wing, Rajaji Bhavan, Beasant Nagar,
Chennai-600 090.
4 Senior Accounts Offier, R.P.A. I/C. I.S.F.(MAH),
Rajaji Byhavan, Beasant Nagar, Chennai- 600 090.
5 Smt. Dakshyani M.Kampli, W/o. late M.B.Kampli HC(GD),
QTR.NP.T-2-107, CISF Complex,SRP PO-C.C.C .Naspur,
Adilabad Dist. Pin-501 302 (A.P.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondent 1 to 4 to release the terminal benefits of Late Mahadevappa, who worked as Head constable bearing No.720618,by setting aside the proceedings of the 1st respondent bearing No.E/24018/SCCL/ACCTS/MBK/99, dt. 29-9-1999 to the petitioners and in consequence thereof to direct the respondents 1 to 4 to appoint the 2nd petitioner on compassionate ground for any suitable post by issuing a writ order or direction more particularly one in the nature of Writ of Certiorari or any other writ order or direction as this Hon'ble Court may be deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.V.V.NARASIMHA RAO

Counsel for Respondents 1 to 4 : Mr.Ramakrishna Murthy, Addl.SC

for Central Government

Counsel for the Respondent No.5: Mr.J.Ch.Y.NARASIMHAM

The Court made the following :

ORAL ORDER:

The husband of the first petitioner and father of the second petitioner died in harness on 12-8-1999 while working as a Head Constable/GD in the Central Industrial Security Force (CISF) unit at Bellampalli. It seems, there was some dispute as to the payment of pension and other benefits of the deceased since the deceased-employee passed away leaving behind two wives – first petitioner and Smt. Dakshyani – 5th respondent herein - and also the children of both the wives. Therefore, the Directorate General of CISF, New Delhi through its letter dated 20-10-1999 asked the petitioners and others to obtain succession certificate from a competent civil Court.

Now, it is brought to the notice of this Court that the competent civil Court i.e. Administrator General of Andhra Pradesh, High Court Buildings, Hyderabad by an order dated 25-8-2003 in C.A.No.60 of 2000 declared that the children of both wives and the first wife of the deceased-employee are entitled for the benefits equally. In view of this declaration made by the Administrator General, there is no necessity to go into the aspect of eligibility of either parties in this proceeding. However, *intera alia,* the second petitioner also sought suitable employment on compassionate grounds in view of the fact that her father died in harness. It is also brought to the notice of this Court that at the time of death of the deceased-employee, except the second petitioner all other children of the first and second wives of the deceased were minors; therefore, nobody claimed the employment. The only application pending with the authorities was that of the second petitioner.

In the above circumstances, the respondents 1 to 4 are directed to consider the application purported to have been filed by the second petitioner claiming appointment on compassionate grounds as per the Scheme available in the Department.

With the above direction, the writ petition is disposed of. No order as to costs.

09-9-2004.

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commandant, CISF Unit, SCCL,
Bellampally, Adilabad Dist.
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